

**TOWN OF FREDERICK, COLORADO**  
**RESOLUTION NO. 09R\_\_**

**A RESOLUTION CONCERNING THE REVIEW OF A REQUEST  
FOR WAIVER FROM SECTION 4.11.2.a (4) (SUBDIVISION  
AMENDMENT) OF THE FREDERICK LAND USE CODE AND  
ADOPTING CERTAIN FINDINGS OF FACT AND  
CONCLUSIONS FAVORABLE TO THE WAIVER REQUEST.**

**WHEREAS**, the Board of Trustees of the Town of Frederick, Colorado, on September 22, 2009, reviewed the application of Blackfox Real Estate Group, LLC, Jason Hepp, PO Box 209, Hygiene, CO 80533 for the waiver from the Frederick Land Use Code of the following real property, to wit:

A 2.29 acre portion of the SE1/4 of Section 25, T1N, R68W of the 6th P.M.,  
County of Weld, State of Colorado, more particularly described in Exhibit A.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1. Findings of Fact.** The following findings are made by the Board of Trustees of the Town of Frederick:

- a. The applicant's waiver application and supporting documents are in substantial compliance with *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- b. The waiver is compatible with adjacent land uses and conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- c. The waiver as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.
- d. The waiver will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
- e. The waiver is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provision which is in question.
- f. The practical difficulties or unnecessary hardship that would be created by adhering to the Code have not been created by the applicant.

**Section 2. Conclusions and Order Approving the Waiver requests for  
Tops Business Park.**

- a. The following proposed waiver complies with the applicable portions of the *Frederick Land Use Code*:
  - i. A waiver from the Frederick Land Use code Section 4.11.2.a (4) permitting the subject property to proceed toward minor subdivision/ subdivision amendment without regard to it having been subject to a minor subdivision application (Halleck Minor Subdivision, December 15, 2008) during the prior one (1) year.
- b. The requested waiver is hereby granted approval, subject to the above conditions and restrictions, if any, contained herein and subject to revocation at the sole discretion of the Board of Trustees following public hearing.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 22<sup>nd</sup> DAY OF  
SEPTEMBER, 2009.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

By \_\_\_\_\_  
Eric E. Doering, Mayor

**EXHIBIT A**  
**Legal Description**

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 25, T1N, R68W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

LOT 1 SHREK MINOR SUBDIVISION AMENDMENT